

Moran Sponsors Bill to Support

Agriculture Producers

Legislation will prevent EPA from

imposing redundant regulations

WASHINGTON, D.C. – Congressman Jerry Moran joined Ranking Member Frank Lucas (R-OK), and five of his colleagues on the House Agriculture Committee this week to introduce H.R. 6087, which clarifies that the use of a pesticide, consistent with its registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), should not be subject to a costly, redundant, and unnecessary permit process under the Clean Water Act. FIFRA provides the basis for regulation, sale, distribution and use of pesticides in the U.S.

Since passage of the Clean Water Act in 1972, lawful pesticide applications regulated under FIFRA have been excluded by the Environmental Protection Agency (EPA) from the National Pollutant Discharge Elimination System (NPDES) permit process. Nearly four decades of this long-standing practice came to a halt in January 2009, when the 6th Circuit Court of Appeals overturned this practice in

*he National Cotton Council of America, et al., v. United States
Environmental Protection Agency*

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. In this case, the court ruled the EPA did not have the authority under the Clean Water Act to exempt applications of pesticides. Rather than defend its long-standing practice on appeal, the EPA began drafting a new NPDES permitting process and abandoned farm groups, who were forced to unsuccessfully pursue the appeal on their own.

“This long-standing practice was defended over decades and codified into law under the Bush Administration, but now under the Obama Administration, the EPA has changed course. Instead of challenging the court’s decision, EPA made a deliberate decision to reverse course and add to the growing regulatory burden on American businesses and agricultural producers. It is now up to Congress to step in and support American farmers, ranchers and businessmen by upholding this long-standing practice,” said Congressman Jerry Moran.

H.R. 6087 would make clear that producers, who are in compliance with FIFRA requirements, do not need to obtain Clean Water Act permits. H.R. 6087 is a companion bill to S. 3735, which was introduced by Senators Saxby Chambliss (R-GA) and Blanche Lincoln (D-AR).

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